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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,008	03/31/2004	Riley W. Jackson	42P18510	9565

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EXAMINER	
AU, GARY	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,008	JACKSON ET AL.	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-19,21-25,27 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-19,21-25,27 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) ✓
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/2/2007 has been entered.

Claim Objections

2. Claims 12 and 15 are objected to because of the following informalities:

On line 3 of claims 12 and 15, the claim recites "wireless computer". It should be "mobile computer".

Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5-19, 21-25, 27 and 28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 7, 10-12, 14, 15, 17, 18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and further in view of US Patent No. 7,162,513 Kister et al. (Kister).

Considering claim 1 and 17, Chiu teaches a method and a computer readable medium encoded with a computer program, comprising: sending a message on a wireless network (wireless gateway 20 and wireless link 22 – figure 1 and 2, [0032] and [0101]); if the mobile computer receives the message, the mobile computer sending a confirmation that the message was received to the message sender, and disabling the mobile computer ([0101]); and if the message sender does not receive the acknowledgement, the message sender re-send the message ([0101]). However, Chiu fails to teach the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network.

In an analogous art, Kister teaches the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the

network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Chiu's system to include the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

Considering claim 23, Chiu teaches a system, comprising: inherently a bus; a processor coupled to the bus; a network interface card coupled to the bus (it is obvious that these are built in the system); and memory coupled to the processor, the memory adapted for storing instructions ([0096]), which upon execution by the processor sends a message on a wireless network (wireless gateway 20 and wireless link 22 – figure 1 and 2, [0032] and [0101]); if the mobile computer receives the message, the mobile computer sending a confirmation that the message was received to the message sender, and disabling the mobile computer ([0101]); and if the message sender does not receive the acknowledgement, the message sender re-send the message ([0101]). However, Chiu fails to teach the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network.

In an analogous art, Kister teaches the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Chiu's system to include the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

Considering claim 2, 18 and 24, Chiu teaches pre-setting and storing a security code on the mobile computer ([0108]); sending a security code message to the mobile computer using the wireless network ([0108]); and determining the authenticity of the sender of the message by comparing the sent security code message to the pre-set code stored on the mobile computer ([0108]).

Considering claim 7, Chiu teaches the system as described above. However, Chiu fails to disclose receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received.

In an analogous art, Kister teaches receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Chiu's system to include receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

Considering claim 10, Chiu teaches formatting a storage device on the mobile computer ([0101]).

Considering claim 11, Chiu teaches a cellular network (figure 1, [0031]).

Considering claims 12 and 22, Chiu teaches sending a confirmation back to the sending device upon successfully disabling the wireless computer ([0101]).

Considering claims 14 and 15, Chiu teaches the system as described above. However, Chiu fails to teach storing message on a message server located on the wireless network.

In an analogous art, Kister teaches storing message on a message server located on the wireless network (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Chiu's system to include receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

6. Claims 3, 16, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and US Patent No. 7,162,513 Kister et al. (Kister) as applied to claims 1, 17 and 23 above, and further in view of US Patent Application No. 2003/0199267 Iwasa et al. (Iwasa).

As to claims 3, 19 and 25, Chiu teaches initiating a system shutdown on the mobile computer once the message has been received ([0108]). However, the combined system of Chiu and Kister fails to disclose requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message.

In an analogous art, Iwasa teaches requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message ([0040]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Chiu and Kister to include requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message, as taught by Iwasa, for the

advantage of disabling the unit to prevent the offender to take advantage of inactivity to commit an offense without detection and only the owner can turn the unit back on.

As to claim 16, Chiu teaches initiating a system shutdown on the mobile computer once the message has been received ([0108]). However, the combined system of Chiu and Kister fails to disclose allowing the BIOS password requirement to be removed once a valid BIOS password has been given the system has returned to normal operating station.

In an analogous art, Iwasa teaches allowing the BIOS password requirement to be removed once a valid BIOS password has been given the system has returned to normal operating station ([0040]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Chiu and Kister to include allowing the BIOS password requirement to be removed once a valid BIOS password has been given the system has returned to normal operating station, as taught by Iwasa, for the advantage of disabling the unit to prevent the offender to take advantage of inactivity to commit an offense without detection and only the owner can turn the unit back on.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and US Patent No.

7,162,513 Kister et al. (Kister) as applied to claim 1 above, and further in view of US Patent No. 6,774,797 Freathy et al. (Freathy).

As to claim 5, Kister teaches receiving the queued message upon the mobile computer reconnecting to the network (col. 8 lines 52-67). However, the combined system of Chiu and Kister fails to teach receiving the queued message upon power up if the mobile computer was powered down when the message was received.

In an analogous art, Freathy teaches receiving the queued message upon power up if the mobile computer was powered down when the message was received (col. 4 lines 23-36).

It would have been obvious for one of ordinary for one of ordinary skill in the art at the time the invention was made to modify the combined system to include receiving the queued message upon power up if the mobile computer was powered down when the message was received, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

As to claim 6, Kister teaches receiving the queued message upon the mobile computer reconnecting to the network (col. 8 lines 52-67). However, the combined system of Chiu and Kister fails to teach receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received.

In an analogous art, Freathy teaches receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received (col. 4 lines 23-36).

It would have been obvious for one of ordinary for one of ordinary skill in the art at the time the invention was made to modify the combined system to include receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

8. Claims 8, 9, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0088633 Chiu et al. (Chiu), US Patent No. 7,162,513 Kister et al. (Kister) and US Patent Application No. 2003/0199267 Iwasa et al. (Iwasa) as applied to claims 3, 19 and 25 above, and further in view of US Patent No. 6,774,797 Freathy et al. (Freathy).

As to claims 8, 21 and 27, the combined system of Chiu, Kister and Iwasa are described as above. However, the combined system fails to disclose ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message.

In an analogous art, Freathy teaches ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message (col. 4 lines 1-11).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Chiu, Kister and Iwasa to include ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message, as taught by Freathy, for

the advantage of ensuring that the mobile computer receives the message when it is available.

As to claim 9, the combined system of Chiu, Kister and Iwasa are described above. However, the combined system fails to disclose receiving GPS location information on the mobile computer.

In an analogous art, Freathy teaches receiving GPS location information on the mobile computer (col. 6 lines 22-39).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Chiu, Kister and Iwasa to include receiving GPS location information on the mobile computer, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

9. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and US Patent No. 7,162,513 Kister et al. (Kister) as applied to claims 2 and 23 above, and further in view of US Patent No. 6,741,851 Lee et al. (Lee).

As to claim 13 and 28, the combined system of Chiu and Kister are described above. However, the combined system fails to disclose the security code comprises a Short message Service message.

In an analogous art, Lee teaches a Short message Service message (col. 3 lines 51-60).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Chiu and Kister to include a short message service message, as taught by Lee, for the advantage of transmitting the protection control information (col. 2 lines 48-63).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/11/07